

REMARKS

Applicant would like to thank Examiner Bridget Avery of the United States Patent Office for her assistance in the current matter.

In the Office Action mailed September 22, 2005, claim 12 was objected to for a minor informality. In the present Amendment, Applicant has amended claim 12 to correct for the informality noted. Additionally, Applicant has also amended claim 37 to correct for a minor informality.

Also in the Office Action, claims 1-3, 11, 17-21, 28 and 35 were rejected under 35 U.S.C. § 102(b) for being anticipated by Yamada et al. (United States patent number 6,547,262).

Claims 37, 38, 41 and 43 were rejected under 35 U.S.C. § 102(b) for being anticipated by Dudouyt (United States patent number 4,245,848).

Claims 5, 6, 12, 23, 24 and 29 were rejected under 35 U.S.C. § 103(a) for being unpatentable over Yamada.

Claims 4, 7, 9, 10, 14-16, 22, 25-27, 32-34, 36 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada in view of Dudouyt.

Claims 8 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams (United States patent number 4,109,925) in view of Lee (United States patent number 6,648,345).

Claims 13 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Oldendorf (United States patent number 4,060,253).

Claims 39, 40, 42 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dudouyt.

As stated, claim 1 was rejected over 35 U.S.C. § 102(b) over Yamada et al. Applicant respectfully submits that claim 1 defines over this reference as the reference does not disclose a skateboard assembly with an insert retained by a resilient member that has an aperture defined at least partially by a flat surface of the insert that contacts a flat surface of a mounting member. Support for this claim amendment may be found in at least Figure 3 of Applicant's drawings and on at least page 12, lines 27-33 of Applicant's application.

Yamada et al. discloses a skateboard assembly with a pivot arm 14 that is cylindrical in shape and rotates freely during use of the skateboard (see Yamada et al. at column 3, lines 14-16). The pivot arm 14 is inserted through a ball bearing unit 18 and abuts a bushing 16 on one end (see Yamada et al. at column 3, lines 16-21). As such, the pivot arm 14 rotates because it is a completely cylindrical surface that is received within the circular bore of the ball bearing unit 18.

In stark contrast, claim 1 of Applicant's application calls for an insert with an aperture that is at least partially defined by a flat surface that contacts a flat surface of the mounting member. The pivot arm 14 of Yamada et al. is a

completely cylindrical surface and the aperture of the ball bearing unit 18 is a completely circular aperture. It would not have been obvious to one having ordinary skill in the art to modify Yamada et al. because the connection would not work if the ball bearing unit 18 had an aperture at least partially defined by a flat surface as the ball bearing unit 18 like all conventional ball bearing units of this type must have a completely circular bore in order to properly rotate. If a proposed modification would render the reference being modified unsatisfactory for its intended purposes, then there is no suggestion or motivation to make the proposed modification.

As such, Applicant respectfully submits that claim 1 defines over Yamada et al. and is in condition for allowance. Further, Applicant submits that all claims that depend from claim 1 (claims 2-16) are also in condition for allowance as their rejections have been made moot due to the allowance of claim 1.

Claim 18 was also rejected under 35 U.S.C. § 102(b) over Yamada et al. Applicant has amended claim 18 in a manner similar to, although not exact to, the amendment made to claim 1. Therefore, Applicant respectfully submits that claim 18 defines over Yamada et al. for essentially the same reasons as discussed above with respect to claim 1 and is in condition for allowance. Further, all claims that depend from claim 18 (claims 20-34 and 36) are also in condition for allowance as their rejections are made moot due to the allowance of independent claim 18.

Again, claim 37 was rejected under 35 U.S.C. § 102(b) for being anticipated by Dudouyt and also under 35 U.S.C. § 103(a) as being unpatentable over Yamada et al. in view of Dudouyt. Applicant has amended claim 37 to call for a skateboard truck assembly that has an insert with an aperture defined at least partially by a flat surface of the insert which contacts a complimentary flat surface of the mounting member.

Dudouyt discloses a skateboard assembly with a truck that has an exceptionally robust construction and permits relatively easy adjustment of the elastic return forces (see Dudouyt at column 3, lines 38-42). A coaxial bolt 48 is used to clamp the assembly in place (see Dudouyt at column 4, lines 25-26). The coaxial bolt 48 is disposed through an opening in a tubular member 42 that is in turn disposed through a pair of elastic blocks 46. Elastic blades 45 are present and are disposed through hollow channels 44 in the tubular member 42 and may be changed out in number or thicknesses to achieve different return forces (see Dudouyt at column 4, lines 34-40). The assembly is said to provide a simple adjustment in that the coaxial bolt 48 may be removed and the adjustment may be "simply" made by changing the number of elastic blades 45 (see Dudouyt at column 4, lines 27-34).

The tubular member 42 does not have an aperture that is defined at least partially by a flat surface that contacts a complimentary flat surface of the coaxial bolt 48. Instead, both the aperture in the tubular member 42 and the coaxial bolt 48 are rounded. It would not have been obvious to one having

ordinary skill in the art to modify the aperture in the tubular member 42 and the coaxial bolt 48 so that flat, engaging surfaces were present because the purpose of the coaxial bolt 48 in Dudouyt is for clamping of the joint only and not for providing torsional resistance. Torsional resistance in Dudouyt is instead achieved by interaction of the tubular member 42, elastic blocks 46, and elastic blades 45.

Modification of the assembly of Dudouyt with a tubular member 42 aperture that has a flat surface and a coaxial bolt 48 with a flat surface would frustrate the intended purpose of the truck assembly. Such a modification would impart torsional resistance to the assembly thus making the provision of elastic blades 45 pointless since torsional resistance is all ready present. Dudouyt is specifically directed towards adding and subtracting elastic blades 45 to increase and decrease torsional resistance. Modification of Dudouyt would prevent the assembly from being an adjustable assembly in the described manner since the effectiveness of changing the elastic blades 45 would be eliminated.

The adjustment of the assembly in Dudouyt would not be able to be made in the described manner because one could never reduce the torsional resistance due to the presence of flat surfaces on the coaxial bolt 48 and tubular member 42. The components in Dudouyt are selected and positioned in specific relationships to one another in order to achieve a joint that demonstrates ease of adjustability and desired elastic return forces. Absent a teaching in the reference to modify the coaxial bolt 48 and tubular member 42 it would not have been an

obvious modification because doing so drastically effects how the assembly provides torsional resistance. The stated beneficial feature of the assembly, changing of the elastic blades 45, would be lost as the coaxial bolt 48 would now assume responsibility for effecting torsional resistance. If a proposed modification would change the principle of operation of the reference being modified, then there is no suggestion or motivation to make the proposed modification.

As previously discussed, Yamada et al. discloses a cylindrical pivot arm 14 and a circular bore in ball bearing unit 18 and any deviation from such an arrangement would render the truck assembly inoperable. As such, both Yamada et al. and Dudouyt are specifically directed towards completely cylindrical members disposed into completely circular apertures. Combination of the two references would result in a skateboard truck assembly that has a cylindrical pivot arm or bolt disposed through a cylindrical aperture in a ball bearing unit or tubular member. There is no suggestion or motivation to modify the resulting combination in the manner called for in claim 37 of Applicant's application as the references individually and in combination with one another teach away from the assembly in claim 37. Applicants therefore respectfully submit that claim 37 is in condition for allowance.

Claim 38 was rejected under 35 U.S.C. § 102(b) for being anticipated by Dudouyt. Applicants have amended claim 38 in a manner similar to, although not exact to, the amendments made to claim 37 and respectfully submit that

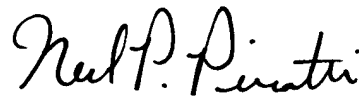
claim 38 defines over the cited references for essentially the same reasons as those given above for the § 102(b) rejection to claim 37 with respect to Dudouyt.

Claims 17, 19 and 35 have been canceled as their subject matter has been incorporated into their corresponding independent claims in the present amendment.

Applicant respectfully submits that all claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience to resolve any remaining issues.

Respectfully submitted,

J. BENNETT MULLINAX, LLC

A handwritten signature in cursive script, reading "Neal P. Pierotti". The signature is written in dark ink and is positioned above a horizontal line.

Neal P. Pierotti
Registration Number: 45,716
P.O. Box 26029
Greenville, SC 29616-1029
(864) 987-9696 (phone)
(864) 987-9686 (fax)